

MINUTES
(Audio Recording Available)
BOARD OF ZONING APPEALS
Meeting of March 15, 2012

Pre-Review Meeting
6:00 p.m.
Law Conference Room

1. Review docket items.

REVIEW MEETING
6:30 P.M.
Auditorium

- ## 2. Roll Call

Members Present

Cynthia Bender
Mary Breiner
Kyle Krewson, Vice Chair
Jennifer Matousek
James Nagy, Chair

Others Present

Mary Leigh, Secretary, DCD Programs Manager, P&D
Bob Apanasewicz, Asst. Bldg. Comm., Commercial
Walt Maynard, Bldg. Inspector, Residential
Kevin Butler, Law Director

3. **Approve Minutes of the January 19, 2012 meeting.**

A motion was made by Ms. Matousek, seconded by Mr. Krewson, to APPROVE the minutes of the January 19, 2012 meeting. All of the members voting yea, the motion passed.

- #### 4. Opening Remarks.

Ms. Leigh read the Opening Remarks.

NEW BUSINESS

8. **Docket 03-07-12** **1370 Beach Avenue**

A. Lukas Bandza, property owner and applicant, requests approval for a variance pursuant to Section 1143.05 – Schedule of Uses and Space Requirements. The applicant requests to not build a garage; the owner had no knowledge of requirement for parking after three transfers. This property is located in an R2, Single Family and Two Family district. (Page 24)

A. Lukas Bandza, property owner and applicant, was present to explain the request. When he purchased the property, there was no garage, and no one told him there had to be one. He said the lot was too small to allow a garage.

Mr. Maynard said there were no comments from the Division of Building.

Mr. Krewson stated there were no drawings or photographs submitted to the Board to demonstrate a hardship. Mr. Bandza said the entrance to the garage would be too narrow to allow a vehicle to enter the backyard, and there was no room to maneuver a vehicle from the rear yard. Ms. Matousek asked about storage of lawnmowers and other yard maintenance items. Mr. Bandza replied the yard items were stored in the basement of the home. He purchased the single family home in February 2011. Ms. Matousek asked to see renderings to support his assertion that the property does not have sufficient room to build a garage. Mr. Bandza asked to defer his request.

There were no comments or questions from the public.

The Board decided to **DEFER** to application to the meeting of April 19, 2012.

5. **Docket 03-04-12** **1474 Riverside Drive**

Sean Whalen, BMW1234.LLC, property owner and applicant, requests approval for a variance pursuant to Section 1143.05 – Schedule of Uses and Space Requirements. The applicant requests to not build a garage due to space limitations. This property is located in an R2, Single Family and Two Family district. (Page 3)

Eric Allain, Mr. Whalen's attorney, was present to explain the request. Sean Whalen, BMW1234.LLC, property owner and applicant, was present but did not speak. The triangular lot is too small for a replacement garage. Mr. Whalen wanted to put a step patio in its place to allow the residents to enjoy the outdoors, and their cars could be parked on the pad in the winter to allow for snowplowing.

Mr. Maynard stated the Division of Building had no objection.

Mr. Butler asked about the titled deed. Mr. Allain replied the titled deed owner was CUS1-Portfolio A as per the Secretary of State, in a venture from BMW1234LLC, and Mr. Whalen was a manager for CUS.

There were no comments or questions from the public.

Mr. Krewson asked about the pad. Mr. Allain said the pad would be strong enough to support a vehicle. Mr. Allain said the tools/machines for yard maintenance were stored in an entry way. The exposed wall would be fixed when the patio was built.

A motion was made by Mr. Krewson, seconded by Nagy, to **GRANT the request with the stipulation a shed is built, and the proposed brick wall is approved by the Architectural Board of Review.** All of the members voting yea, the motion passed.

7. **Docket 03-06-12** **14415 Delaware Avenue**

Todd Renzelman, property owner and applicant, requests approval for a variance pursuant to Section 1121.05(b) – Height Regulations. The applicant requests a four foot (4') variance to the allowable fifteen foot (15') in order to construct a nineteen foot (19') high garage. This property is located in an R2, Single Family and Two Family district. (Page 21)

Todd Renzelman, property owner and applicant, was present to explain the request. He said he needed storage space, and the rear properties were graded higher than his.

Mr. Maynard stated the Division of Building had no opposition to the request. There were no comments from the public.

A motion was made by Ms. Breiner, seconded by Ms. Matousek, to **GRANT the request with the stipulation the upstairs of the garage was used for storage only.** All of the members voting yea, the motion passed.

9. **Docket 03-08-12**

**1548 West 117th Street
INN THE DOGHOUSE**

Whitney Callahan, business owner and applicant, requests approval for two variances pursuant to section 1153.02 – Regulations. The applicant requests: 1) to allow a two foot (2') variance for an eight foot (8') high wood fence, and 2) to allow additional fencing in front of the building line. This property is located in a C3, Commercial and General Business district. (Page 25)

Whitney Callahan, business owner and applicant, was present to explain the request. She was moving the dog daycare area from Cleveland and needed fenced outdoor area. The fence would resemble the existing on the west of the parking lot; an eight foot (8') fence would prohibit a dog from jumping it. She wanted to connect the existing ornamental metal fence and gate with a ten foot (10') section with a second gate perpendicular to the front of the building in order to have multiple entrances for pets and owners. It would be ADA compliant.

Mr. Apanasewicz asked about the existing chain link fence. Ms. Callahan replied they would remove the section adjacent to the wood fence. Mr. Apanasewicz said the Division of Building had no objections.

Mary Louise Madigan, Councilperson, Ward IV, said she was in favor of the variances because they would provide safety and would be aesthetic to the neighborhood.

A motion was made by Mr. Krewson, seconded by Ms. Breiner, to **GRANT the requests with the stipulation the eight foot (8') portion of the fence would remain only as long as the business was for dog/kennel purposes.** All of the members voting yea, the motion passed.

10. **Docket 03-09-12**

2144 Glenbury Avenue

Kevin Muldoon, Original Donnelly, applicant, requests approval for a variance pursuant to Section 1121.07 – Minimum Yard Requirements for Principal Buildings. The applicant requests a three foot, seven inch (3', 7") variance to the required five foot (5') minimum for installation of a heat pump in the side yard. This property is located in an R1H, Single Family and High Density district. (Page 35)

Kevin Muldoon, Original Donnelly, applicant, was present to explain the request. A standard air conditioning unit would not fit on his yard. The proposed would anchor to the side of the house, and the noise decibels produced were minimal.

Mr. Maynard said the Division of Building had no objections. There were no comments from the public.

Mr. Butler asked for confirmation about the placement of the unit being of the neighbors' non-driveway side of the home. Mr. Muldoon concurred.

A motion was made by Ms. Matousek, seconded by Ms. Breiner, to **GRANT** the request as submitted. All of the members voting yea, the motion passed.

6. **Docket 03-05-12** **1507 Waterbury Drive**

Maria Scalish, property owner and applicant, requests approval for a variance pursuant to Section 1121.05(b) – Height Regulations. The applicant requests a five foot (5') variance to the allowable fifteen foot (15') in order to construct a twenty foot (20') high garage. This property is located in an R1H, Single Family and High Density district. (Page 12)

Neither the applicant nor a representative was present to explain the request.

A motion was made by Mr. Krewson, seconded by Ms. Breiner, to **DENY** the request. All of the members voting yea, the motion passed.

11. Adjourn.

A motion was made by Mr. Krewson, seconded by Ms. Matousek, to **ADJOURN** the meeting at 7:07 P.M. All of the members voting yea, the motion passed.

 
Signature _____ Date _____